

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fowser et al. Confirmation No.: 9342
Appl. No.: 10/790,377 Group Art Unit: 3744
Filed: 03/01/2004 Examiner: Leonard R. Leo
For: FORMED SHEET HEAT EXCHANGER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 21, 2007, in which the Examiner has required election of one of the two following species: (1) the species principally illustrated in Figure 2; or (2) the species principally illustrated in Figure 7. Applicant hereby provisionally elects without traverse to prosecute the second species (Figure 7). Claims 1-6 and 18-24 read on the elected species, and Claims 1-6 are generic to both species. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions of the unelected species.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Nicholas F. Gallo
Registration No. 50,135

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 16, 2007.